DOCUMENT RESUME

ED 403 895 IR 056 268

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TITLE The First Amendment and the Web: The Internet Porn Panic and Restricting Indecency in Cyberspace.
PUB DATE 96
NOTE 36p.; A downloaded version of one of 29 conference papers (for those in ERIC, see IR 056 258-274) placed on the Internet under the following overall title: "Untangling the Web. Proceedings of the Conference Sponsored by the Librarians Association of the University of California, Santa Barbara, and Friends of the UCSB Library" (Santa Barbara, CA, April 26, 1996).
AVAILABLE FROM Electronic version: http://www.library.ucsb.edu/untangle/
PUB TYPE Viewpoints (Opinion/Position Papers, Essays, etc.) (120) -- Reports - Evaluative/Feasibility (142) -- Speeches/Conference Papers (150)

EDRS PRICE MF01/PC02 Plus Postage.
DESCRIPTORS Access to Information; Adolescents; *Censorship; Children; Federal Legislation; Freedom of Information; *Freedom of Speech; *Information Policy; Information Sources; *Internet; Legal Responsibility; Online Systems; *Pornography; Social Sciences; World Wide Web
IDENTIFIERS Child Protection; Communications Decency Act 1996; Cyberspace; First Amendment; Legal Information

ABSTRACT

In the wake of the Communications Decency Act of 1996, discussions have raged both online and in the press about free speech, online pornography, and the protection of children. This paper discusses the legal and social science issues surrounding content regulation of the World Wide Web and the Internet as a whole, with an emphasis on the indecency ban. The paper uses recent literature to address concerns that have led to legislation, including: (1) the perceived pervasiveness of online pornography (the "porn panic"); (2) the perceived intrusiveness of online communication and its accessibility to children and adolescents; and (3) the potential for societal "harms" to children or adults following exposure to online indecency. In each section, the role of social science, both in fueling the porn panic and in potentially informing the policy debate, and the broad First Amendment implications of applying broadcast regulation standards to online communication are examined. (Contains 125 references.) (Author/SWC)

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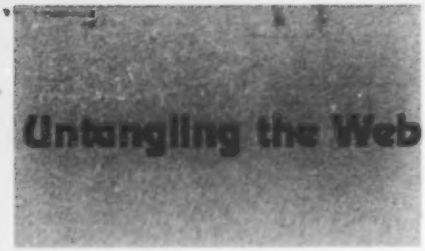

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The First Amendment and the Web: The Internet Porn Panic and Restricting Indecency in Cyberspace

ED 403 895

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Abstract

Citing government interests in making "the new Internet and information superhighway as safe as possible for kids to travel" and in keeping computer networks from turning into a "red light district" (comments made by Senator Jim Exon, D-NE, 1995), Congress recently passed the sweeping Communications Decency Act of 1996 that (among other things) makes it a crime to knowingly "by means of a telecommunications device [make available] any comment, request, suggestion, proposal, image, or other communication which is obscene or indecent...[to any person] under 18 years of age" (47 U.S.C. Section 223(a)). This bill, now signed into law, extends already existing prohibitions on legally "obscene" materials and child pornography to include a ban on "indecent" content as well. In the wake of this broad ban, discussions have raged both online and in the press about free speech, online pornography, and the protection of children.

This presentation is a discussion of the legal and social science issues currently surrounding content regulation of the world wide web and the Internet as a whole, with an emphasis on the indecency ban. Specifically, I address concerns that have led to legislation, including 1) the perceived pervasiveness of online pornography (i.e., what has been called the "porn panic"); 2) the perceived intrusiveness of online communication and its accessibility to children and adolescents; and 3) the potential for societal "harms" to children or adults following exposure to online indecency. In each of these areas, I examine the role of social science, both in fuelling the porn panic and in potentially informing the policy debate, and I address the broad First Amendment implications of (inappropriately) applying broadcast regulation standards to online communication.

An old debate in America has been recently renewed and extended in the wake of rapidly changing technology. The perceived proliferation of sexually explicit messages across computer networks has reignited discussion of adults' right of access to sexual messages versus the possible contribution of such exposure to antisocial attitudes or behaviors (e.g., discrimination against women, sexual assault). Moreover, the easy point-and-click nature of many online media, including the World Wide web, has given rise to the additional concern about the availability of sexually-oriented materials to an audience of

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children and adolescents. Media attention to a (now seriously discredited) study (Rimm, 1995) proclaiming widespread and especially deviant pornography on the "information superhighway" has particularly fuelled these concerns. What Harper's Magazine has called "the Internet porn panic" ("How *Time*," 1995, p. 11) has resulted in policy makers, parents, lawyers, feminist scholars, and social scientists all arguing about how to (or whether to) deal with offensive content on computer networks.

Traditionally, government attempts at regulation of non-electronic sexual materials have encountered difficulty in the courts when faced with First Amendment challenges. In fact, apart from prohibitions on strictly "obscene" materials, that is, materials that do not receive First Amendment protection if they meet the legal definition of obscenity outlined in Miller v. California (1973),1 the courts have not upheld outright bans on sexually explicit material in books (e.g., American Booksellers Association v. Hudnut, 1986; Bantam Books v. Sullivan, 1962; Butler v. Michigan, 1957), magazines (e.g., Pope v. Illinois, 1987), or films (e.g., Miller v. California, 1973; Paris Adult Theatre I v. Slaton, 1973). Indeed, in Roth v. U. S. (1957), Justice Brennan stressed the importance of protection for sexual expression:

> *The portrayal of sex, e.g., in art, literature and scientific works is not itself sufficient reason to deny material the constitutional protection of freedom of speech and press. Sex, a great and mysterious motive force in human life, has indisputably been a subject of absorbing interest to mankind through the ages; it is one of the vital problems of human interest and public concern (354 U. S. at 487).*

Inasmuch as sexual materials on the Internet or BBSs are, like X-rated movies and sexually-explicit publications, available for consumption by audience members who seek them, a similarly strict First Amendment standard of protection for non-obscene sexual materials might easily be applied to computer networks as well.

However, many parents and legislators have asserted that special concerns about online sexual and other offensive communication call for less stringent First Amendment protection and a need for regulation. In fact, citing government interests in making "the new Internet and information superhighway as safe as possible for kids to travel" (Lewis, 1995, p. 10) and in keeping computer networks from turning into a "red light district" ("Junior and cyberspace," 1995) (comments made by Senator Jim Exon, D-NE, 1995), Congress recently passed the sweeping Communications Decency Act of 1996, which (among other things) makes it a crime to knowingly "by means of a telecommunications device [make available] any comment, request, suggestion, proposal, image, or other communication which is obscene or indecent...[to any person] under 18 years of age" (47 U.S.C. Section 223(a)). Now signed into law (but facing Constitutional challenge in the D. C. Circuit courts), this act extends already existing prohibitions on legally "obscene" materials and child pornography to include a ban on "indecent" content as well.2

This paper is a discussion of the legal and social science issues currently surrounding content regulation of the world wide web and the Internet as a whole. Specifically, I address the widespread concerns that have led to online indecency restrictions, including 1) the perceived proliferation of online pornography (the "porn panic"); 2) the perceived intrusiveness of online communication and its accessibility to children and adolescents; and 3) the potential for societal "harms" to children or adults following exposure to online indecency. In each of these areas, I examine the role of social science, both in fuelling the panic and in potentially informing the policy debate, and I address the broad First Amendment implications of (inappropriately) applying broadcast regulation standards to online communication.

The Internet Porn Panic

The obscenity arrest and conviction of California private BBS operators Carleen and Robert Thomas (U.S. v.

Thomas, Federal District Court of Tennessee, 1994), who put visual images online of, among other things, acts of bestiality, for many brought to attention the existence of sexually explicit materials on computer networks and the legal implications of dealing with these materials. Legal scholars took issue with the applicability of current law to the emerging new media (see e.g., Corn-Revere, 1994; Reske, 1994; Sergent, 1994; Smith, 1994). Network servers expressed concern about liability for content passing through their domains. One university, fearing bad publicity as well as prosecution, even attempted to ban all the "alt.sex.*" newsgroups from its Internet connection (widespread protest and First Amendment challenges from the student community, the American Civil Liberties Union, and the Electronic Frontier Foundation led to the faculty senate restoring access to these newsgroups) (Elmer-DeWitt, 1994). Among some religious groups, the Thomas case was said "to open the eyes of both the computer industry and Christians to the growing availability and acceptance of sexually explicit images over the emerging information superhighway and the eroding control of parents over the information their children take in" (Zipperer, 1994, p. 42).

The initial proposal made by Senators Jim Exon (D-NE) and Slade Gorton (R-WA) for the Communications Decency Act (also known as the "Exon amendment" to telecommunications reform bill S. 652) sparked heated arguments online and sensational coverage in the popular press. A number of writers in computer magazines decried censorship (see e.g., Abernathy, 1995a; Meeks, 1995; Norr, 1995), although some also expressed a need for online decency (Metcalfe, 1995a, 1995b). Legal commentaries appeared in media industry trade journals (e.g., Corn-Revere, 1995a), and major American newspapers and news magazines covered the constitutional controversy over the bill (e.g., El Nasser, 1995; Levy, 1995a; Lewis, 1995a; Lohr, 1995; Rich, 1995; Wilson, 1995).

Many journalists emphasized the "raunchy" aspects of sexual materials that can be found on the Internet or in private BBSs. For example, a cover story about online sex in *USA Today* featured a color photo of sexy (albeit clothed) computer images and their corresponding web links together with the caption, "The Internet's seamy side" (L. Miller, 1995, p. 1A). A *New York Times* headline declared that "Despite [the bill's] plan for cooling it off, cybersex stays hot" (Lewis, 1995a, p. 10). The *Wall Street Journal* reported that one pornography database shut down due to heavy traffic downloading "electronic erotica" (Sandberg, 1995). *Newsweek*, with a focus on the issue of children's access, ran "No place for kids? A parent's guide to sex on the Net" (Levy, 1995b, p. 47) with a related article's headline declaring that "with just a computer and a modem, techno-savvy kids have access to a plethora of cybersleaze" (p. 48).

Perhaps the most prominent press attention to the sex in cyberspace debate (and resulting in the most fury online) came with the June 26, 1995 release of *Time* magazine (its July 3, 1995 issue). Also focussing on the concern about sexual images available to children, *Time* magazine ran a cover story entitled "Cyberporn" (Elmer-DeWitt, 1995), with the cover photo illustration depicting a horrified child's face in the light of a computer screen and a headline exclaiming that "A new study shows how pervasive and wild it really is. Can we protect our kids--and free speech?" Full-page photo illustrations accompanied the article, including a naked man embracing a computer and a child being lured into a dark alley by a man with a lollipop image on a computer screen.

Widespread discussion had already been going on online, both in the network newsgroups (e.g., alt.censorship, alt.comp.EFF.talk) and at sites on the world wide web (see e.g., http://www.well.com/user/hlr/tomorrow/cyberporn.html), largely about the (un)constitutionality of the Exon bill and government attempts at content regulation in general. However, upon its release the *Time* cover story itself (Elmer-DeWitt, 1995) came under particular attack online (see e.g., HotWired's web site at http://www.hotwired.com/special/pornscare). Critics were enraged that in his story, Philip Elmer-DeWitt relied upon the findings and generalizations of a "Carnegie Mellon study" entitled "Marketing Pornography on the Information Superhighway" (Rimm, 1995) that had been and continues to be intensely criticized by marketing researchers (Hoffman & Novak, 1995a, 1995b), a prominent computer scientist (Reid, 1995), and legal scholars with research backgrounds (Godwin, 1995; Post, 1995). The study proclaimed vast amounts and particularly deviant forms of online pornography, and the *Time* story touted its findings as having widespread implications for public concern and policy.

The Rimm Study and the Porn Panic

Rigorous social science can contribute to informed social debate and public policy, and popular news sources like *Time* can give credibility and exposure to important findings. However, substandard research that also finds its way to such exposure and credibility can result in clouded debate. The latter, I believe, is the case with Rimm's study.

In a report published in the *Georgetown Law Journal* (a non-peer-reviewed legal journal), Marty Rimm (1995) examined the download patterns of images from a number of private, self- proclaimed "adult" BBSs (i.e., BBSs that require payment and proof of age before subscribing). He also examined the number of image postings to a small subset of Usenet newsgroups. Despite his examination of only a limited portion of computer network activity, Rimm made a number of alarming assertions about online pornography in general that researchers have since challenged as unsupported, misleading, or outright misrepresentations of his data.

One now famous (mis)statement about the prevalence of computer pornography is Rimm's conclusion that "83.5% of all images posted on the Usenet are pornographic" (Rimm, 1995, p. 1994). This proportion of Internet pornography could not appear credible to anyone familiar with the Internet (see Levy, 1995a). The percentage actually refers to numbers of images posted to a narrow subset of 32 Usenet newsgroups called "alt.binaries." Specifically, Rimm found that 83.5% of the images posted to 32 "alt.binaries" newsgroups were posted to the 17 of those newsgroups that Rimm labelled "pornographic" (Post, 1995). However, even this is likely an inflation, given that Rimm does not disclose how he counted "images" (many image files consist of multiple posts), he does not discuss how he determined which newsgroups were in fact "pornographic" (in a separate table of the forty most accessed newsgroups, he labelled "alt.binaries.pictures.supermodels" as pornographic), and he does not examine whether all the images posted to those groups were actually even sexually explicit (Hoffman & Novak, 1995b).

Both Hoffman and Novak (1995b) and Post (1995) maintain that the 83.5% figure is grossly misleading. Using Rimm's own figures, they point out that the part of the Internet that involves Usenet newsgroups represents only 11.5% of total Internet traffic, and of that, only about 3% (by message count) is associated with newsgroups containing pornographic imagery. Thus, they conclude that less than one-half of 1% (3% of 11.5%) of messages on the Internet is associated with newsgroups that contain pornography (and many of the messages in these "pornographic" newsgroups are text files that may not even be sexually explicit). Although we do not have such data about sexual explicitness in the remaining 88.5% of the non-Usenet Internet traffic (e.g., world wide web use), it is fair to say that only a small percentage of pornographic imagery, relative to non-pornographic content, occurs in the Usenet newsgroups. Nevertheless, the misrepresented 83.5% is what Rimm listed in his summary of findings (and what *Time* publicized).

Interestingly, the 83.5% figure itself comes from the small part of Rimm's study that deals with readership statistics of selected Usenet newsgroups. Most of Rimm's data concerns download patterns on selected private "adult" BBSs. Nevertheless, even with this data, Rimm obscures important methodological procedures: he does not make explicit how his sample of adult BBSs was chosen to be "representative" (p. 1876), he confuses the actual numbers of image descriptors that were examined (917, 410 versus 292,114, among others), and he professes both "reliability" and "validity" for his categorizing procedure without providing any data for support (Hoffman & Novak, 1995b; see also Godwin, 1995).

Furthermore, in his conclusions Rimm repeatedly conflates the adult BBS data with the Usenet data, and then exacerbates this problem by generalizing to all of the Internet (see Hoffman and Novak, 1995b, for a number of egregious examples). One particularly outlandish claim is that "after a year of exploring the Internet, Usenet, world wide web, and computer Bulletin Board Systems (BBS), the research team discovered that one of the largest (if not the largest) recreational applications of users of computer networks was the distribution and consumption of sexually explicit imagery" (Rimm, 1995, p. 1861), yet Rimm does not examine "distribution" in his study and only examines "consumption" in adult BBSs. He provides no evidence for his sweeping conclusion about all these network resources.

Despite online criticism and attempts to otherwise publicize problems with the Rimm study (see e.g., Godwin, 1995; Lewis, 1995b; 1995c), many journalists have expressed concern that the *Time* coverage of Rimm's study, together

with "the woeful face of the child on the cover" (Webb, 1995, online), has overly alarmed parents and politicians and has generally "fed the Internet porn panic" ("How *Time*," 1995, p. 11). Indeed, when Sen. Grassley (R-IA) introduced his own Protection of Children from Computer Pornography Act of 1995, which would prohibit the transmission of any sexually explicit materials via computer networks, he did so with passionate rhetoric inspired by the *Time* article, reiterating the now infamous implication that 83.5% of all computerized images available on the Internet are pornographic (Grassley, 1995). Law professor and anti-pornography feminist Catharine MacKinnon (MacKinnon, 1995) also featured the "over eighty percent" (p. 1964) figure in her response to the Rimm study, and she extended Rimm's argument about aberrant sexual behaviors, claiming that "the most violent and dehumanizing materials" (p. 1964) are the most frequent. "Pornography in cyberspace," she argued, "is pornography in society--just broader, deeper, worse, and more of it" (p. 1959).

Thus, although the Rimm study may have lost authority in some academic circles and online, in much of the public and political discourse regarding cyberporn, the "83.5%" figure and the conviction that material is particularly "deviant" seem to continue to serve as central features to pleas for government regulation and protection for children.4 In a recent local editorial, activists Santa Barbara County Citizens Against Pornography quoted Rimm's conclusions from *Time* in order to argue that computer networks are rife with images of pedophilia, bondage, bestiality, and urination (Goss & Picks, 1995).

Unfortunately, where rigorous social science might have served to illuminate the public and Congress about the issue of online pornography, instead misinterpreted findings, unwarranted conclusions, and problematic research methods have served to cloud an already inflamed and perhaps unwarranted panic.

The Nature and Pervasiveness of Computer Network Sexuality

For the leaders of many antipornography groups, particularly the American Family Association and Morality in Media, any amount and kind of sexual explicitness may be too much (Healey, 1995). However, much public concern and Congressional action is due not merely to the fact that sexual explicitness is available on the Internet, but also due to the perception that online pornography is rampant, unavoidable, and particularly unseemly.

Given the numerous problems with Rimm's (1995) research, his study provides only a shaky understanding of how much and what type of sexual material actually appear on computer networks. Nevertheless, Rimm's data, despite his overgeneralizations, does indicate that a very small portion of total Internet traffic (less than 1%) is devoted to the posting of sex-related photographic images in Usenet newsgroups. This finding is consistent with Tamosaitis' (1995) report that of over 10,000 Internet Usenet newsgroups, less than 200 are related to sex in any way (photographs or discussion). Thus, at least in the realm of newsgroups, sexual content, even broadly defined, appears to account for only a small part of Internet activity.

Rimm's study also indicates that sexually explicit photographs, of even extreme forms such as pedophilia and bestiality, are described in and downloaded from private "adult" Bulletin Board Systems (which require payment and proof of age). However, this is not surprising, considering that the sole purpose of such BBSs is to serve those very interests. In other words, it is not particularly informative that pornographic pictures (or at least descriptors of such pictures, as Rimm measured) are found in pornographic online services. What we cannot determine from Rimm's data, because he only measured a selected group of BBSs, is what is the extent of explicit images relative to the totality of images available across Bulletin Board Systems, as well as compared to images on the rest of the Internet. Without such information, using Rimm's download data on adult BBSs to make statements about the pervasiveness of "online pornography" is like using sales figures from adult book stores to make statements about the pervasiveness of adult books on the literary market.

According to Brian Reid, who for the last nine years has been compiling data on Usenet use for the Network Systems Laboratory at Digital Equipment Corporation, measuring online user behavior is very difficult (Reid, 1995; see also Godwin, 1995). He argues that absolute numbers are essentially meaningless (accurate only within a factor of ten), but that trends either in month-to-month readership percentages of given newsgroups or within-month ratios of one

newsgroup to another are "meaningful enough to pay attention to for serious scholarship" (Reid, 1995, online). Such readership trends can be generated for Usenet newsgroups or world wide web pages. However, readership statistics only indicate the relative percentages of "hits" or "drop ins" each newsgroup or web page receives in a given period; that is, how often someone (the same person or different persons?) gained access to the newsgroup or page in this period. It is impossible to tell from such data whether or not any files were actually read or downloaded (Hoffman & Novak, 1995b; Reid, 1995). Moreover, measuring relatively how often, for example, the "alt.sex" newsgroup or the Playboy web page is accessed does not necessarily provide useful information about how pervasive sexual material is in a given computer environment. The "alt.sex" or similar newsgroups may be popular (i.e., lots of lurkers) without there being a lot of substantial sexual material there (i.e., multiple lurkers are all looking at or reading the same selection). Similarly, although one web page can receive thousands of "hits," it is still only one web page among thousands. And although adult BBSs may have many subscribers, material on these BBSs is only a fraction of the kinds of resources available across the rest of the online universe. Thus, for researchers and policy makers interested in how much pornography there is online, data on the popularity of sex-related newsgroups, web pages, or BBSs are not, strictly speaking, an indication of the extent of available sex-related or pornographic material in these media.

Little systematic investigation has been undertaken to examine the extent of available online sexual imagery or discussion. However, a number of cursory explorations of sexual material online have generated much anecdotal evidence, and some "guidebooks" to the Internet sexual universe have emerged. Most of these writers have focused on sex-related photographic images, although a few have explored in detail the phenomenon of sexual discussion as well. Although these accounts provide only a limited understanding of how much sex-related material exists online, they also provide important information about the nature of different online sexual materials as well as fuel for the argument that there is more to sexuality online than just offensive pornographic pictures.

Sex-Oriented Pictures. One journalist (Gleick, 1995) attempted through his own Internet connection to find sexual material, but he encountered many difficulties. Starting his exploration with the world wide web, Gleick notes that many promising-sounding links (e.g., "Girls") resulted either in error messages, such as "Document contains no data" and "Connect timed out," or, given a successful connection, a picture that took a lunch-time to download but revealed a fully-clothed photo of a television actress. He found that some web sites that had closed down (e.g., "Femmes femmes femmes je vous aime") redirected users to a new site where "you can find naked women, including topless and total nudity" (p. 26), but this turned out to be the Louvre museum. Nevertheless, he points out that he did notice many sex-oriented newsgroups and "if you look hard enough, there is grotesque stuff available" (p. 26), including, he argues, gun and militia groups.

Another journalist (L. Miller, 1995), inspired by the Senate's initial passage of the Exon amendment, undertook (with a fellow reporter) an exploration into "the back streets of cyberspace" (p. 1A), including the world wide web, Internet Usenet newsgroups, private BBSs, and online chat. Miller found overall that "the proportion of raunchy material is small, but it exists. If you want to avoid sex online, that's fairly easy. But if you know where it is, you can get it" (p. 1A).

On the world wide web, the reporters found a number of sites for online magazines, with *Playboy* and *Penthouse* featuring photographs of nude women, *Naked* featuring nude men, and *Libido* depicting slightly more explicit "art" shots. There were also "sexual storefronts" with "adults only" warnings, that advertised sex aids, condoms, telephone sex lines, etc., and there were personal home pages set up by individuals that provided a range of material, from personal photos to "steamy stories" to links to other sites (e.g., to the BDSM [Bondage & Discipline, Dominance & Submission, Sadism & Masochism] home page).

Billy Wildhack, author of the guidebook *Erotic Connections: Love and Lust on the Information Highway* (1995), argues that people seriously looking for pornography generally subscribe to the private adult BBSs rather than the open Internet, because "the quality of images is poorer on Internet Usenet groups, and there's a lot of pranking going on" (see L. Miller, 1995, p. 2A). Furthermore, he argues that most of the erotic pictures on the Internet are nudes of women, "maybe tens of thousands" of them (typically copyright violations of magazine photos), but "probably less than 100" are of a type of hard-core depiction such as bestiality.

Sex-Oriented Discussion. In her guidebook, *net.sex*, *Computer Life* columnist Nancy Tamosaitis (1995) goes beyond looking for pornographic photographs and takes readers on a "tour through the Usenet's red light district." She describes in some detail the content of over 20 different "alt.sex.*" discussion groups (e.g., alt.sex.breast, alt.sex.fetish.diapers, alt.sex.watersports) and several other "alt" groups with sex-relevant interests (e.g., alt.clothing.lingerie, alt.homosexual, alt.amazon-women.admirers). She also provides lists of the Usenet personals (personal want ads) and binaries (pictures only) groups, and she relates the typical goings-on in sexual chat rooms (Internet Relay Chat).

Tamosaitis' descriptions of newsgroup content provide a useful beginning for explaining online sexual activity beyond the mere descriptions of visual imagery that have been the focus of popular media and Congressional attention, as well as of Rimm's research. Relying on newsgroup Frequently Asked Questions (FAQ) files, e-mail from system operators, and specific user posts, Tamosaitis describes an amazingly diverse array of sex-related Usenet newsgroups, each with "a defining tone of its own" (p. 70).

Probably the most widely read group, "alt.sex" (an estimated 440,000 readers), for example, Tamosaitis contends consists of an abundance of college students and "feels like a never-ending dormitory party, complete with overflowing beer mugs and horny men" (p. 71). Nevertheless, she notes that "a wealth of sophisticated people who are eager to share their knowledge" (p. 71) also frequent the group and commonly debunk sexual fallacies. Discussion and information seeking take place on a broad range of topics, including, among others, "how-to" information, sexual biology, sex aids, sexually transmitted diseases, and contraception.

Apart from the "alt.sex" newsgroup itself, most of the newsgroups are highly specialized, and people who post inappropriate messages (usually newcomers who have not lurked enough to know the rules) get mercilessly criticized, or "flamed." Comments about dieting woes, for example, are taboo in "alt.sex.fat." In "alt.sex.femdom" (an offshoot of "alt.sex.bondage" that focusses on female dominance), unsolicited requests to start relationships ("wannas") are discouraged, because, the FAQ reads, "a dominant female looking for a partner is more than capable of making her own specific intentions very clear" (p. 83).

Tamosaitis argues that humor is a frequent part of a number of groups, particularly "alt.sex.bestiality" and "alt.sex.breast." Opposing factions also commonly develop within groups, as evidenced by the pro- versus anti-gay male marriage debates in "alt.homosexual," the "vaginal" versus "clitoral" orgasm discussions in "alt.sex," and the "kill Barney" versus "have sex with Barney" disputes in "alt.sex.bestiality.barney."

It is important to note that, particularly among the more controversial newsgroups, a number of posts come from people opposed to the very subject under discussion. Tamosaitis reports that Moral Majority spokespersons and Christian fundamentalists "spew negativity and eternal damnation" (p. 105) throughout all the homosexual-oriented newsgroups (e.g., "alt.homosexual," "alt.sex.motss"), as well as "alt.sex.watersports" (devoted to erotic urination) and "alt.sex.masturbation." "Alt.sex.bestiality" also gets a share of critical commentary (e.g., "why don't you name this new group, alt.sex.animals.rape?" [p. 78]), and occasionally "law-abiding citizens appalled at...brazen illegal conduct" (p. 88) interject comments into "alt.sex.voyeurism.'

Ironically, "alt.sex.pedophilia," with its subject matter the most publicized concern about cyberspace (beyond photographs), is not carried by most Internet providers. Tamosaitis argues that, although it may once have been "a feeding ground for pedophiles in the past" (p. 114), it has since been reduced to "a few stale crumbs, soon to be swept away" (p. 114). One user characterized the group's current focus as the following:

> *One person will post flamebait. Idiots take the bait. Other people make fun of the idiots. Real pedophiles try and convince everyone it's OK to boink pre-pube kids. They get flamed. That about covers it.* (p. 113)

On the other hand, "alt.sex.intergen," where the North American Man-Boy Love Association (NAMBLA) posts their press releases, contains more serious discussions about pedophilic desires, including posts on "the philosophical differences between loving and having sexual intercourse with, versus just raping a 12-year-old boy" (p. 111). Tamosaitis does not discuss the volume of activity in this newsgroup, but she does report that a great deal of

controversy exists here too, including arguments about abuses of power and responsibility inherent in adult-child relationships, as well as more general comments about sex with children as "morally reprehensible." Not surprisingly, most of the pro-pedophilia posts in either of these newsgroups use anonymous mail servers that keep their identities hidden.

Real-Time Chat. In addition to explorations of the diverse array of sex-related Usenet newsgroups, one study has begun to look closely at the phenomenon of real-time sexual encounters online. In a case study of one commercial provider's sexual "chat" culture, Branwyn (1993) spent time "jumping in and out" of chat rooms devoted to a "curious blend of phone sex, computer dating, and high-tech voyeurism" (p. 784) known as "compu-sex," or text-based, real-time sexual exchanges. Acting as "themselves" or creating completely fictitious identities, participants "cruise" for potential partners (not unlike at a singles bar), frequently changing rooms, looking up other users' "biographies," and exchanging flirtatious messages. Once partners are decided, participants create "private" rooms (which are temporary text exchange windows that the rest of the chat room cannot gain access to), in which they then engage in some form of sexual encounter.

Although Branwyn's case study and Tamosaitis's (1995) descriptions of sex-related newsgroups are largely anecdotal, their discussions provide valuable information about the rich diversity of sexual content online. Together with the limited available data, their descriptions suggest that pornographic photographs and even stories do not comprise the bulk of sexual information online, rather that a host of different discursive "communities" abound and may be a starting point for researchers interested in how people in a number of different ways accomplish sexual communication.

In sum, pornographic pictures, including photos of acts of bestiality, do exist on computer networks, although some writers contend that "serious" pornography seekers use private, adult BBSs, rather than the open Internet (see L. Miller, 1995). The world wide web appears to contain predominantly photographs of nudity, although sex-oriented web sites may be growing. A number of sex-related Usenet newsgroups abound on the Internet, but the content varies widely among these groups, ranging from individuals' erotic stories to explicit discussions of a myriad of mainstream and deviant sexual techniques, experiences, and desires. Sexual chat may consist of anything from online flirting to simulated sexual intercourse.

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Continued: "First Amendment Issues and the web: The Internet Porn Panic and Restricting Indecency in Cyberspace"

Dorothy Imrich Mullin

Limited systematic research has examined the extent and nature of each of these forms of online sexuality. There is evidence, albeit mostly anecdotal, that sex-related material of any kind (pictures, stories, or discussion) comprises only a small portion of the total Internet activity, and is thus less pervasive than much popular press and Congressional panic would suggest. It is possible that extreme forms, such as bestiality, may be more available online than in the local adult book store (certainly in discussion form such topics are readily available online). However, because the language of the recent indecency ban does not distinguish between the great diversity of communication forms available online, all of the sex-related messages described above (discussion as well as pictures) are likely targets of indecency violations.

Intrusiveness of Computer Pornography and Access for Children

Despite the argument that pornographic activity makes up only a small portion of online content, it is possible that, as Christian groups (e.g., Zipperer, 1995) and Senator Exon (see Levy, 1995a) have argued, sexual material in any amount is nevertheless pervasive enough to "invade" Americans, particularly children, in their homes.

World wide web browsers do provide point-and-click searching techniques that can lead users to online issues of *Playboy*, among other sex-oriented magazines. In addition to industry-produced photographs, users can obtain the personal stories, photographs, or conversation of any individual with an Internet connection who posts them to newsgroups or places them at world wide web sites. Because, as journalist Peter Lewis puts it, "every computer is both a bookstore and a printing press" (Lewis, 1995a, p. 10), individuals have the potential to widely distribute their own sexual material.

However, widespread dissemination of any content depends on the numbers of users who actually access the material put online. That is, apart from the ability to mail material to individual e-mail addresses, contributors, whether individual or corporate, can only make *available* their stories or pictures to those who visit a given newsgroup or web site and who then choose to read or download the files. Thus, the extent to which computer pornography "invades" or intrudes into the homes of users is limited to the ease with which users, particularly children, may find, read, and download potentially indecent materials.

The Courts and Intrusiveness. Consideration of the intrusive nature of an electronic medium has led the Supreme Court to uphold restrictions not only on legally obscene sexual materials, but sexual speech that is otherwise protected by the First Amendment, such as "indecency." In *FCC v. Pacifica Foundation* (1978), the Court justified regulation of indecent material in the broadcast medium because "patently offensive, indecent material confronts the citizen, not only in public, but also in the privacy of the home" (p. 748). The ability to turn off the radio or television set, the Court argued, would not permit individuals to avoid indecency because the offensive language would have already been heard or seen.

However, the Court in *Pacifica* also justified regulation because "broadcasting is uniquely accessible to children, even those too young to read" (p. 749). Consequently, courts have since recognized the *Pacifica* decision as a narrow holding justifying a government interest in protecting *children*, not adults, from indecent speech (*Action for Children's Television v. FCC III*, 1993; *Sable Communications, Inc. v. FCC*, 1989; see also Sergent, 1994).

Donna Rice Hughes, spokesperson for the anti-pornography group "Enough is Enough," claims that

"children are going online innocently and naively running across material that's illegal even for adults" (see Levy, 1995a, p. 48). However, little evidence exists to support the claim that children online can run across any sexual material (let alone obscenity) "innocently," as they can with the broadcast medium. In fact, although a number of legal scholars have attempted to apply (or decry) existing media metaphors for the First Amendment status of computer networks (Corn-Revere, 1994; 1995b; Di Lello, 1993; P. Miller, 1993; Sergent, 1994; Smith, 1994), *none* have advocated applying the "intrusiveness" rationale behind broadcast regulation to computer-mediated communication.

Smith (1993) points out that a number of metaphors have been used to characterize electronic bulletin boards and newsgroups, including electronic soapboxes, booksellers, news agencies, corner pubs, and talk radio. For world wide web or other Internet sites, he suggests that placing files can be characterized as electronic publishing, and reading and downloading those files like browsing in a library and purchasing from a bookstore, respectively. Regarding specifically sexual speech, Smith argues that telephone sex services ("dial-a-porn") are a closer analogy to computer-mediated sexual communication than is broadcast indecency.

In *Sable Communications, Inc. v. FCC* (1989), the Supreme Court distinguished telephone communications from broadcasting, arguing that, unlike radio or television, "the dial-it medium requires the listener to take affirmative steps to receive the communication" (p. 127). Consequently, because "callers will generally not be unwilling listeners" (p. 127), telephone communications are substantially different from over-the-air broadcasts, and thus, telephone indecency is protected speech.5

P. Miller (1993) argues that the *Pacifica* and *Sable* decisions have suggested for electronic media a "spectrum of intrusiveness." Broadcast services "that arrive in the home unsolicited, providing viewers or listeners with little prior warning or protection against unexpected program content" (p. 1154) are at the most intrusive end, whereas services "that require some sort of initiating act or intervention to trigger each transmission" (p. 1154), such as dial-a-porn and "pay-per-view" cable transmissions, are at the least intrusive end. He argues that computer-mediated communication "would be among the least intrusive of communications media" (p. 1192) because gaining access requires "the use of a considerable amount of computer equipment, a 'dial up' initiated by the user, and (at least for commercial services) the entering of an individual password assigned to each user" (p. 1192).

Although arguably computer equipment in time could be as pervasive as television sets, and the knowledge required to "dial up" may eventually be as commonplace as the ability to turn on the TV set or dial the telephone, once successfully online, a user must nevertheless actively seek out sex- related information in order to find it. Because of the great variability in online services and communication forms, a number of different tasks are necessary that make accidentally stumbling onto pornography or sexual communication highly unlikely (Levy, 1995b; see also Corn-Revere, 1995b; P. Miller, 1993; Sergent, 1994). World wide web (or gopher, ftp, or telnet) users must navigate their way through pages of text or know how to conduct a search, newsgroup lurkers must first subscribe to a desired newsgroup then wade through selections of posts, and real-time chat participants must know how to find and connect to the desired sex-related chat room. Additional steps are necessary to download and reassemble digital visual images so that they can be viewed (Krol, 1994). In short, online media use, unlike television or radio, involve a highly selective set of choices, including which computer medium to use and what type of material to access.

Corn-Revere (1995b) takes this argument further and contends that, in addition to the selectivity, or, in the words of the Court, "affirmative steps" necessary to participate in computer networks, online communication offers "users (read parents) a much greater degree of control over what may be accessed than ever imagined for a telephone or television" (p. 19). He argues that (in addition to available parental controls) a basic skill is required for computer network use that is not a prerequisite for any other electronic

medium: literacy. Thus, one "protection" for very young children may be simply their own limited cognitive development, as computer-mediated communication would not be, like television, accessible for "those too young to read" (*Pacifica*, p. 749).

In light of progressively more visually-oriented world wide web browsers, the literacy requirement may become increasingly less important. Nevertheless, some active searching of the web would be still be necessary, not to mention that access to the vast array of messages on the rest of the Internet (e.g., newsgroups, chat rooms) would always be mediated by literacy.

The Need for Developmental Research. A number of researchers have examined children's computer ability and attitudes (e.g., Lepper & Gurtner, 1989; Niemiec & Walberg, 1987; Williams & Ogletree, 1992). However, these studies have typically focussed on kids' interest in and use of different kinds of educational software in classroom settings (e.g., Sprigle & Schaefer, 1984; Williams & Ogletree, 1992).

Although these studies suggest that even young children may be interested in and have some ability for computers, they do not provide evidence that children who are not yet able to read are able to navigate their way through computer network connections. Research needs to address developmental differences in the skills and interest necessary for accessing and participating in Internet or other online services. In other words, is the ability to read indeed a principal skill for becoming literate at logging on to computer networks?

Furthermore, researchers need to address whether, once children are able to read, there are other developmental differences that facilitate participation in different online media. For example, younger children (approximately below age eight) tend to focus more on perceptual features of a stimulus when processing information (Flavell, 1985), whereas older children are better able to integrate perceptual cues and conceptual information. This suggests that younger children may be more likely to notice visual images on the Internet than participate in text-based discussion groups or chat rooms. However, apart from the graphics that appear on certain world wide web pages, most pictures on the Internet require some knowledge of downloading and decoding binary formats in order to view them (Krol, 1994). And as a host of newsgroup posts indicate, a great many people much older than preschoolers seem to have difficulty learning this skill (see L. Miller, 1995). It is possible, therefore, that young children may get very little from Internet connections and rely more on CD- ROM technology, which provides a host of stimulating visual and audio features, many of which are designed for children. However, this possibility requires investigation.

Older children and adolescents, on the other hand, are likely to be more "techno-savvy" (Levy, 1995b, p. 48; see also Calvert, 1994; Scaife & Bond, 1991) and, possibly even from having to do reports for school, more knowledgeable about valuable Internet searching techniques. This ability, together with a curiosity about sex, means that older kids and adolescents are likely to gain access to sexually explicit images on the Internet relatively easily (although probably not on adult BBSs, which require a separate connection that one's parents must pay for in advance).

Although kids have been getting hold of naked pictures for ages, what worries some parents is that the Internet makes naked pictures as well as hard-core material *easier* to obtain than is the case without computer connections. Levy (1995b) argues that "in predigital days, getting one's hands on hot pictures required running an often impenetrable gantlet [sic] of drugstore clerks and newsstand operators, and finding really hardcore material was out of the question" (p. 48). Indeed, the Internet does make available extreme forms of pornographic pictures, such as explicit acts of bestiality, that may not be typically obtainable from the neighborhood newsstand. Thus, kids who are motivated will probably not have much trouble finding explicit pornography. However, they won't *stumble* onto it. The key here is motivation:

young people must take active steps, sometimes even overcoming computer glitches, to seek pornography out. Furthermore, for those families whose Internet connection comes from one of the commercial services (e.g., America Online), these motivated children must also explain to their parents how so much expensive online time was used for downloading.

In addition to accessing pornographic pictures or stories, parents and legislators have expressed concern that computer-wise children and adolescents may easily participate in sex-related chat rooms in which they can pretend to be adults (or any identity they create) and engage in sexually explicit conversation. Psychologist Sherry Turkle's initial research on children's online experiences indicates that adolescents do experiment with interactive erotica (such as in chat rooms) in order to "play with identity" and "develop a sense of themselves" (see Levy, 1995b, p. 48). Indeed, they may explore their sexuality without having to suffer the real-life consequences of sexually transmitted diseases or pregnancy. Further research in this area is needed to help identify the developmental and psychological factors that explain child or adolescent participation in online sexual chat, newsgroup discussions, or pornographic imagery, especially when compared to experimentation with real-life sexual experiences, so that parents and educators may better understand their children's motivation for using these media and the gratifications these media may provide.

Some children's advocacy groups have expressed fear that participation in sex-related chat rooms may make children and adolescents targets for online harassment or even physical prey for pedophiles (e.g., if a child's phone number or address can be obtained). Dangers of abuse for children are certainly not limited to the online environment, as parents have been teaching their children for generations how not to talk to nor accept rides from strangers. However, according to Ernie Allen of the National Center for Missing and Exploited Children,"the nature of the technology...creates a false sense of security" (see Levy, 1995b, p. 48). His concern about children, thus, is not so much that computer-mediated sexual material is intrusive or unavoidable, but that children themselves may not realize that they can be vulnerable to attack within the privacy of their homes.

A useful avenue for research, therefore, may be to investigate intervention techniques to help children understand that because they are at home or school does not mean they are unapproachable or invincible. Furthermore, coping strategies may be developed to help children and adolescents learn how to deal with strangers' online proposals or unsolicited offensive e-mail.[6] Turkle argues that propositions from adults are "less upsetting if a child is prepared for it" (see Levy, 1995b, p. 48) and suggests that children should be forewarned as well as instructed to say "I'm not interested" and leave the chat room. Tamosaitis (1995) argues that even pedophilic newsgroups such as "alt.sex.intergen" may provide invaluable knowledge (perhaps their only value) about how pedophiles think and operate that may help researchers develop better strategies for protecting children.

Parental Controls. If a parent truly does not want his or her children gaining any access to online sex-related material, a number of technological alternatives to government prohibition of "lewd" or "indecent" content have recently become available. The software industry has produced packages that when installed restrict access to objectionable content (Abernathy, 1995b). SurfWatch is available for $50 (plus $5.95 per month for updates) and blocks access to objectionable language and over 1600 sites that SurfWatch's creators classify as pornographic. However, because SurfWatch's approach has been criticized for its blanket "blacklisting" of sites and language, the company promises a future version, SurfManager, that allows users to customize the filter. NetNanny, also available for about $50, allow parents or teachers to choose words or phrases (e.g., "What's your phone number?") that, if encountered, will shut down an online session. WebTrack, available free to schools, blocks access to world wide web sites that cover sex, drugs, hate speech, criminal skills, and gambling.

Many commercial online providers come equipped with screening devices for parents. Prodigy requires that

the household's main account holder activate access for each member of the household to USENET, chat and bulletin board areas with a valid credit card number (Lewis, 1995a). In addition to current screening tools, America Online plans to incorporate SurfWatch as a filtering option for parents, and CompuServe plans a kids' version of Internet in a Box that provides similar blocking technology (Abernathy, 1995b). Siecom, Inc., an Internet provider for schools, limits its selection of newsgroups and allows schools to further limit newsgroups and screen e-mail for objectionable content.

Of course, parental control filters are not without problems. Either parents must accept, for example, what SurfWatch defines as objectionable, or they must themselves think of all the words or phrases that someone could use to describe pornographic pictures or to proposition their kids. Rob Glaser, chief executive of Progressive Networks, envisions a number of different "tunable filters" emerging from different organizations, which would allow parents to choose a filter from a credible information source that they trust, such as the National Education Association, the Children's Defense Fund, or the Christian Coalition (see Corn-Revere, 1995b). Such filters would be analogous to the Catholic Church providing for parishioners lists of movies that should be avoided by "the faithful."

Finally, a number of corporations have collaborated on plans to develop rating systems for various network sites that would assist parents in screening unwanted information. The World Wide Web Consortium (consisting of AT&T, Digital Equipment, IBM, Microsoft, and Sun Microsystems) has proposed that ratings be added to the "HTTP" protocol of web sites, such that Internet access providers or individual computer users could set a level for acceptable material (Abernathy, 1995b). Similarly, Kid Code, an initiative under review by the Internet Engineering Task Force, is designed to have voluntary ratings embedded in web addresses. In addition, the Information Highway Parental Empowerment Group (including Microsoft, Netscape Communications, and Progressive Networks) plans to offer individual content providers throughout the Internet with a means of self-rating that parents and teachers could then use to define acceptable content (Abernathy, 1995b).

According to Nathaniel Borenstein, designer of Kid Code, "Places that provide erotica on the Internet are wild about the idea of voluntary ratings...They don't *want* to sell to kids" (see Levy, 1995b, p. 50). They also do not want, I am sure, to have their services criminalized by government regulation.

In sum, computer-mediated communication does not appear to be "intrusive" in the broadcast sense of confronting people, particularly children, unaware in their homes. Children may be able to access pornographic pictures and sexually explicit stories and discussion, but they must have the skills and motivation necessary to do so, as they are not likely to come across such material accidentally. Research is necessary to determine what developmental skills, such as literacy or visual processing, and motivations, such as experimenting with sexual identity, are likely to mediate very young versus older children and adolescent Internet participation. Investigation of strategies for coping with offensive online behavior would also help parents protect their children from potential abuse.

Social Effects of Cybersex

Senator Exon has argued that one of the reasons for placing restrictions on "smut" in cyberspace is that "the information superhighway is ...a revolution that in years to come will transcend newspapers, radio, and television as a news source" (see Lewis, 1995a, p. 10) and that "society is going astray" (see Levy, 1995a, p. 47). The implication here is that computer networks are or will be a powerful force in shaping society, and unless curbs are placed on "cybersex," its influence will be in a harmful direction. However, others argue that unrestricted computer networks are avenues for a better society, building communities among strangers and facilitating communication across geographical barriers (e.g., Rheingold, 1993). Following is a discussion of research avenues that could address the potential harms versus benefits of permitting sexually

explicit materials online.

Visual and Textual Pornography. Photographic representations of sex, particularly commercial forms, are primarily what have galvanized those attempting to restrict explicit expression, as evidenced by Senator Exon's infamous display, before the Senate vote on his amendment, of a big blue notebook filled with downloaded explicit photographs.[7] Similarly, although some researchers have examined explicit textual stories as stimulus material (e.g., Malamuth, 1986), visual sexual imagery has also been the focus of mass communication researchers interested in examining the nature (e.g., violent, degrading to women, etc.) or effects of pornography (see Linz & Malamuth, 1993). Thus, many concerns about pornographic images or stories online are essentially restatements of concerns about pornography in general. Consequently, I will provide only an account of the research in this area as it has implications for research on the effects of online pornography.

Pornography opponents have often asserted that pornographic imagery and stories (on the Internet or elsewhere) causes men to behave aggressively towards women (e.g., Dworkin & MacKinnon, 1988; MacKinnon, 1993). However, this assertion is not supported by much of the relevant research on exposure to at least non-violent forms of pornography (see Donnerstein, Linz, & Penrod, 1987; Linz & Malamuth, 1993, for reviews). Generally speaking, laboratory experiments have shown that, unless subjects are "angered" (as part of the experimental manipulation) and exposed to material they deem unpleasant or that depict sexual violence, exposure to non-violent pornography does not increase, and may even decrease (Baron, 1974), subsequent aggressiveness.

Results are mixed for pornography's effect on anti-social attitudes, such as acceptance of rape myths or callousness toward sexual violence victims. Several recent reviews argue that there is little evidence of increased anti-social attitudes or behavior following exposure to nonviolent pornographic films (e.g., Linz, 1989; Linz & Malamuth, 1993), although a recent meta-analysis (Allen, Emmers, Gebhardt, & Giery, 1995) reports a small but positive correlation between nonviolent pornography and acceptance of rape myths across several experimental studies.

Receiving much more research support is the argument that *violent* pornography fosters anti- social attitudes and behaviors toward women (see e.g, Donnerstein, Linz, & Penrod, 1987; Linz, 1989; Malamuth & Donnerstein, 1984, for reviews; see also U.S. Attorney General, 1986). However, even in this area a recent review by Fisher and Grenier (1993) (as well as two new studies they present) suggests that much research fails to support the hypothesis that even violent pornography leads to antiwoman thoughts and acts.

Because results have been so mixed, it is difficult to hypothesize what effects online pornographic images may have. Nevertheless, because much evidence does exist to support anti-social effects of violent forms of pornography, it may be useful to consider whether Internet or BBS pornography is likely to be as or more violent than non-digital material. Considering that most photographs online are arguably uploaded pictures copied from commercial magazines, such as *Penthouse* (Wildhack, 1995), violent forms may not be particularly prevalent relative to their print or video counterparts (even considering Rimm's data). However, this is ultimately difficult to determine, not only because digital images appear sporadically and change frequently throughout computer networks, but because research on the prevalence of violence in non-digital pornography that would offer a means of comparison consists of flatly contradictory findings. Fisher and Grenier (1993) bemoan "daunting" inconsistencies that "defy explanation" (p. 23), such as seven studies that find relative high degrees of violence in magazines and films while seven other similar studies find the exact opposite! Furthermore, online visual images are limited to still photographs, thus even violent scenes may be removed of some force when compared to the prolonged action footage available in local video rental outlets.

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On the other hand, sexually violent *stories* online may be a greater concern. In one now famous case, a male college student, Jake Baker, uploaded a fantasy story to an erotic stories newsgroup in which he describes in graphic detail how he brutally rapes, tortures, and murders a female classmate (Chapman, 1995). Because Baker used his classmate's real name in the story, police interpreted it as a threat and arrested him (although charges were later dismissed). Baker's online rape fantasy became famous only because he used a real-life woman's name, but it is unclear how many other similar stories appear on the Internet. Tamosaitis (1995) argues that newsgroups like "alt.sex.stories" and "rec.arts.erotica" feature erotic stories of all kinds of different themes, but this remains to be investigated systematically.

Although I have argued earlier that more "deviant" material (such as pictures and stories of sex acts with animals) may appear online than are found in mainstream pornography markets, these images are not necessarily more violent. Even images of "bondage" and its variations, proponents argue, are typically not "violent" in the sense of depicting rape or other cruelty to women (see Tamosaitis, 1995). In fact, much of the BDSM subculture is devoted to the "sexual play" of disciplinary themes without real harm to participants (Furniss, 1993), and, as the popularity of the "alt.sex.femdom" newsgroup suggests, women commonly occupy positions of power and dominance (Tamosaitis, 1995). Nevertheless, adults or children who are not part of the BDSM subculture but who lurk in these newsgroups may see in such photographs only encouragement of violence.

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Continued: "First Amendment Issues and the Web: The Internet Porn Panic and Restricting Indecency in Cyberspace"

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It would be useful to examine the differences in interpretation of such sexually "deviant" photographs or stories and the attitudes they foster for those within the relevant subcultures versus those observing from outside. Critiques of much experimental mass media research have argued that there may be fundamental differences in effects when exposure is forced upon naive or unfamiliar audiences versus when shown to consumers (e.g., Brannigan & Goldenberg, 1987). Thus, cyberspace, where typically unreachable populations often "hang out," may be a useful environment for remedying this problem.

As a departure from effects on sexual violence or antiwoman attitudes, some researchers have examined moral repercussions of pornography exposure, such as whether pornography fosters a lack of respect for traditional institutions such as marriage, traditional relations between the sexes, and traditional roles for women. Zillmann and J. Bryant (1988) found that prolonged exposure (one hour a week for six weeks) to nonviolent pornography led to greater acceptance among men and women of premarital and extramarital relations, greater belief that there can be health risks from sexual repression, and less endorsement of marriage as an essential institution in society.

In another study, Zillmann and J. Bryant (1982) found that men and women exposed to explicit depictions of oral, anal, and vaginal intercourse (five hours over several weeks) estimated higher percentages of persons that engage in oral and anal sex, group sex, as well as deviant practices such as sadomasochism and bestiality than were estimated by subjects who had not seen any films. Of course, it is difficult to determine from this study which group's estimates are the more accurate! It is conceivable that exposure to online images of sadism and masochism or bestiality would overly increase perceptions of their commonness or even normalcy, but it is also possible that most of the people that upload and download these photographs are themselves interested in the deviant behavior, if not practitioners, and thus their perceptions would already be skewed.

Although effects on morality are undoubtedly for many people considered offensive and harmful to society, beliefs about marriage, sexual repression, promiscuity, and the "normalcy" of certain sexual practices are also arguably issues that are open to political and moral debate. Thus, those who would condemn pornographic images and stories on computer networks (or elsewhere) on these grounds have the additional burden of arguing that these moral concerns represent, like sexual violence, true societal or individual harms and not merely offensive ideas (which the courts have particularly sought to protect; see *Chaplinsky v. New Hampshire*, 1942; *Cohen v. California*, 1971; *Texas v. Johnson*, 1989).

Whether harms may be moral decay or anti-social/criminal behavior, an important phenomenon occurs online that is not a part of traditional pornography exposure but which may have important implications for online effects. Online users not only view or read pornography, but many *discuss* it (or read other people's discussions of it) as well. In some groups (e.g., "alt.sex.bestiality"), comments are posted alongside the stories and pictures, while other separate newsgroups are created to deal entirely with discussion about stories or pictures posted elsewhere (e.g., "alt.sex.stories.d" is devoted to discussion about erotica posted to "alt.sex.stories"). Investigations of the effects of online pornography (violent, deviant, or otherwise) should take into account how various stories or images are received in the newsgroup communities in which they are posted: What makes some stories gain acceptance while others get flamed? Is violence heralded or eschewed in general, or does it depend on how it is written? What is the nature of the critiquing process and how might comments and discussion about stories mediate their effects?

Virtual Communities: Encouraging Sexual Deviance or Promoting Socially Positive Attitudes? Online discussion is not limited to comments or critiques about commercial pornography or personal stories. In fact, as argued earlier, much of what is "sexual" on the networks, even in deviance-oriented newsgroups, consists of diverse lines of discussion as well as real-time conversations, often far removed from the visual or textual types of pornography, particularly industry-produced forms, that have typically concerned effects researchers and the courts.

Indeed, Ball-Rokeach and Reardon (1988) argue that what they call "telelogic" communication, or participation in talking or writing at a distance (i.e., via computer), is a unique form of communication that should be distinguished from "monologic" (traditional mass media) and "dialogic" (interpersonal) forms. They propose that telelogic systems provide the functions of "exchange" (i.e., of goods and services), "association" (establishing and maintaining personal relationships), and "debate" (expression of opinions on certain topics), all within the same electronic community. However, despite the abundance of sex-related telelogic communication (compared to traditional online pornography), little research attention has been given to the potential functions (harmful or beneficial) of such interaction common to online newsgroups and bulletin boards.

Nevertheless, a growing body of research has examined newsgroup or bulletin board use in *non-sexual* contexts whose findings may have implications for sex-related communication online. A number of researchers have found support for Ball-Rokeach and Reardon's concepts of association, debate, and exchange. Newsgroups and bulletin boards have been found to bring like-minded people together and create "communities" based solely on their shared interests (Baym, 1995; James, Wotring, & Forrest, 1995; Ogan, 1993; Rafaeli, 1988). Despite geographic or social barriers, meaningful relationships and companionship can develop (Baym, 1995; James, Wotring, & Forrest, 1995), valuable information can be exchanged (Baym, 1995; Garramone, Harris, & Anderson, 1986; James, Wotring, & Forrest, 1995; Ogan, 1993) and political or social issues can be debated (Garramone, Harris, & Anderson, 1986; Ogan, 1993). Indeed, topics that would fail to obtain the critical mass of interest necessary to sustain a club in one's local environs (such as homosexuality in a small town) can thrive in one of the over 12,000 newsgroups available on the Internet where the critical mass derives from the international community (Rheingold, 1993).

The ability of the Internet to construct communities based solely on shared interests is a feature of the new technology that is often hailed as a virtue (e.g., Rheingold, 1993). Whether the shared interest is politics or pet care, the Internet has been seen as contributing to a type of communicative revolution (Hiltz & Turoff, 1978/1992), opening up opportunities for extending and equalizing information exchange and cultivating diversity and democracy in collective activities and decision making (Sproull & Kiesler, 1991; see also Spears & Lea, 1994). Indeed, most studies on newsgroup or bulletin board use have primarily sought to identify these potential social and personal benefits for users and society (e.g., James, Wotring, & Forrest, 1995).

However, when the shared interest centers around issues of sexuality, such as the advocacy of deviant or marginalized sexual practices, the value of functions like community, information exchange, and debate becomes controversial.8 Of course, whether community and information exchange among sexually deviant individuals is good or bad depends on whom you are talking to and the types of sexual deviance you are talking about. For example, bringing together geographically distant homosexuals or advocates of group sex may be considered harmless and even useful by those who regard each of those behaviors as a lifestyle alternative (Meyer, 1995). Conversely, to those who consider such behaviors immoral or otherwise distasteful or harmful may consider their advocacy dangerous (e.g., Zipperer, 1995). The occurrence of "burn in Hell" or "you perverts" posts among the enthusiastic posts of sexual experiences reflects this value judgment controversy.

However, some areas of sexual deviance are more universally proscribed and even potentially criminal, and thus present a greater concern about encouraging their practice online. Pedophilia, or recurrent fantasies, urges, or behaviors involving sexual activity with children (American Psychiatric Association, 1994), is one of these areas, as sex with minors is typically criminalized for its harm to a uniquely vulnerable class of persons. Similarly, child pornography, unlike mainstream pornography, is criminalized because its production requires explicit sex with children, which the Court has agreed is psychologically and physically detrimental to child participants (*New York v. Ferber*, 1982). Furthermore, even sexual newsgroup users whose own practices are considered "perverted" by mainstream standards (e.g., bondage, bestiality) have often voiced opposition to pedophilia and "man/boy love" (Furniss, 1993). It is thus not surprising that online pedophilia groups have served as a lightning rod for cyberporn opponents.

Durkin and C. Bryant (1995) propose that the "carnal computer" may serve several functions, some similar to those of Ball-Rokeach and Reardon (1988), that may encourage such reviled and potentially dangerous forms of sexual deviance, such as pedophilia. One of these functions, akin to Ball-Rokeach and Reardon's concept of "association," is "social consolidation," or bringing together large numbers of individuals of "similar sexually deviant persuasion" (p. 195) to form a newsgroup or bulletin board. Once enough individuals post consistently to the group, ideas and practices can be disseminated rapidly and widely, and a social context is created for people's deviant inclinations.

In this social context, Durkin and Bryant argue, newsgroups may then serve as an arena for posting "intellectual graffiti" (somewhat comparable to Ball-Rokeach and Reardon's concept of "exchange"). Users may post questions, advice, opinions, and fantasies that may violate social norms outside of the group, but which would not receive social sanctions from within (see also Bryant, 1982). Durkin and Bryant argue that the virtual anonymity (or pseudonymity) that computer networks provide may even further encourage such expression, and otherwise private (perhaps withering?) fantasies can become externalized, reinforced, and fed through interaction. Ultimately, networks may serve as a means of "metamorphosis," with the creation of an opportunity structure for transforming these reinforced and extended fantasies into actualized behavior.

A growing body of research that has addressed anonymity and interpersonal behavior in *non-sexual* computer-mediated communication (see Spears & Lea, 1994; Walther, Anderson, & Park, 1994, for recent reviews) may have implications for effects of sexual newsgroup discussions. For example, recent research on computer-mediated communication and social identity (e.g., Lea & Spears, 1991; Spears, Lea, & Lee, 1990) provides some support for Durkin and Bryant's reasoning on newsgroups encouraging sexual deviance.

According to Reicher's (1984) conceptualization of social identity theory (see also Turner, Hogg, Oakes, Reicher, & Wetherell, 1987), "if people identify with a group, and that group membership is made salient to them, then they will be more likely to be influenced by the group under de-individuating conditions" (Lea & Spears, 1991, p. 288). In other words, under conditions of anonymity within a group, because intragroup differences are minimized, an individual's social or group identity can become more salient and influential than his or her own individual identity (Reicher, 1984).

Tested in online group decision making experiments (Lea & Spears, 1991; Spears, Lea, & Lee, 1990), de-individuation (operationalized as visual anonymity, or communication via computer in separate rooms) and group salience (placing subjects' focus on how groups use computers versus how individuals do) are typically manipulated. Results indicate that indeed greater social influence and polarization toward a pre-established group norm occur among de-individuated members of a salient group (Lea & Spears, 1991). By contrast, when individuality is made salient, even under conditions of anonymity, groups become more "depolarized," or shifted away from group norms.

Applied to Durkin and Bryant's concerns about sexual deviance, the research of Lea and Spears suggests that people who identify with a sexually deviant group (such as pedophilia), under conditions of anonymity and consequent de-individuation (such as is this case in network newsgroups) may indeed become more extreme in their advocacy of deviant behavior. It is important to note, however, that, because polarization occurs in the direction of the group's norms, a group can become more "extreme" in favor of caution as well as in favor of risk or action, depending on the initial group trend (Lea and Spears, 1991). In other words, if the deviant group is tending toward the actualization of fantasized behavior, then members may become more likely to encourage setting up opportunities to fulfill those fantasies. Similarly, if the group tends toward the importance of fantasy over behavior, then advocacy of potential criminal behavior is not likely to be the extreme position.

However, this application of social identity in computer-mediated communication studies to network newsgroups is limited, as it greatly simplifies the newsgroup or bulletin board discussion process. Unlike the experimental situations in which groups discuss pre-arranged topics in real time, newsgroup discussions proceed by members reading only those posts of interest and then responding. As a result of this selection and respond process, several group "trends" or norms may be going on simultaneously, with some members participating in only one line of discussion and others participating in many.

Furthermore, because many newsgroup members only post occasionally, and most do not post at all, researchers need to investigate to what extent group identity is salient among users of varying levels of participation. For the small group of members who regularly post, group identity is likely to be strong, and thus, the encouragement of extreme group trends, such as toward setting up opportunities for actualizing pedophilic fantasies, may present a real danger of facilitating criminal behavior. In contrast, members who merely "lurk" may, despite anonymity, retain an individual sense of identity as they watch their group "from afar." Some lurkers may not even consider themselves part of the group at all, but instead just drop in, as one user put it, "to stare at the pervs" (Furniss, 1993, p. 27). From this reasoning, Durkin and Bryant's notion of newsgroup influence and widespread diffusion of sexually deviant practices may be overstated.

Research on social community and information exchange supports the argument that online newsgroups and bulletin boards provide people with deviant or marginalized sexual interests a means of consolidation and a social context for expression. Studies on social identity in computer-mediated decision making groups support, for some users, Durkin and Bryant's (1995) argument that such consolidation and expression may encourage even more extreme anti-social preferences. However, others have also argued that these same consolidation and expression functions may actually have socially positive rather than negative consequences.

Law professor Carlin Meyer (1995), for example, argues that open access to discussion on the Internet may actually prevent both adults and children from becoming future pedophiles or sex criminals. She argues that individuals who seem propelled by a biological or psychological predisposition towards an abusive sexual lifestyle may find support and understanding online. There is some evidence that perpetrators of sexual aggression or sex abuse of children frequently come from sexually repressive households, often in which even signs of sexuality were rebuked (see Berlin & Krout, 1986; Popkin & Simons, 1994). Thus, Meyer argues that a strategy which attempts to combat sexual deviance with additional repression (such as barring explicit discussion ... la the Exon amendment) may not prove to be the most successful course.

Indeed, for those who feel disconnected from society because of their sexual proclivities or problems, "sexually oriented boards act as a kind of support group" (Furniss, 1993, p. 20), helping people to "feel better about themselves" (p. 25) by realizing that they are neither alone nor inevitably headed down an abusive or criminal path (Meyer, 1995). Even in the real-time sexual encounters of "compu-sex," Branwyn

(1993) found evidence of such informal counseling.

Furthermore, encouraging people to express their fantasies, however deviant, may not necessarily encourage actualizing such behavior in the "real world." Meyer (1995), in fact, argues the opposite:

> *It is not clear that pedophiles...who indulge their tastes on the Internet, or those who merely indulge their curiosity or sexual pleasure in viewing such taboo imagery, thereby become more harmful to society: The opposite conclusion is more logical. Easy access to private viewing [or reading or talking] in circumstances in which masturbatory fantasy can be indulged is as likely to alleviate the need or desire to pursue actual children as it is to encourage taking action in real space rather than cyberspace* (pp. 1999 - 2000).

In other words, the online sexual experience may in some circumstances be cathartic, not in the vicarious sense unsupported in the media violence literature (see e.g., Eron, Gentry, & Schlegel, 1994; Liebert & Sprafkin, 1988), but in the literal sense, through the physical release of sexual arousal.

In fact, Branwyn (1993) and others (see Levy, 1995b) argue that online sexual interaction (deviant or mainstream) in newsgroups and chat rooms may act as the ultimate "safe sex" for the 90s. Meyer (1995) maintains that this is especially important for adolescents, who can explore "in the privacy of their rooms and in the anonymity of conversation in which they are both invisible and unknown, what other children and adolescents are feeling and thinking about their bodies and sexuality" (p. 2007). Preliminary findings of Sherry Turkle's work on adolescents' experiences on the Internet (see Levy, 1995b) provides support for this argument.

Finally, although newsgroups bring together people with shared sexual interests, the discussion that emerges between these people is not necessarily characterized by a unified encouragement of like- minded deviant preferences or behaviors. On the contrary, newsgroup discussion (sexual or otherwise) is notorious for its open, uninhibited, and even hostile conflict (Chapman, 1995 and Dery, 1995). As mentioned earlier, Tamosaitis (1995) found that disputing factions (e.g., pro- versus anti-gay male marriage) commonly appear in the sex-related newsgroups, and although not always intelligent dialogs (many erupt into personal "flame wars," with increasingly snide insults and lengthy diatribes [Dery, 1995]), such debate could be an important mediator of the influence of online sexual images and fantasies. Durkin and C. Bryant (1995) do not allow for this "debate" function (Ball-Rokeach & Reardon, 1988) in their discussion of online sexual deviance.

Beyond Sexual Deviance. Sexual newsgroups and chat rooms consist of much more than discussions and debates among sexual deviants. Tamosaitis (1995) contends that:

> *The Internet gets a lot of heat...as being the bed of indecency, uncensored talk, and immorality. However, what is often not acknowledged, outside of online circles, is the vast international dissemination of timely and valuable information on a seemingly unlimited variety of subjects, including sexual knowledge* (p. 10).9

She argues that the openness of discussion, including fears, myths, and delusions, as well as accurate information, facilitates learning. In fact, she argues that "the best way to provoke an answer to a question is to post a fallacy. Other people, armed with the accurate information, will immediately jump in and post the correction" (p. 10) (and probably with some fervor, considering the common "flaming" practice). This potential for accurate information from newsgroup participants may be particularly important for young men and women, who consistently report that peers are their primary source for sex information (above books, media, school, parents, pornography, and church) (Duncan, 1990; Duncan & Donelly, 1991; Trostle,

1993). Although peers have typically supplied each other with the least accurate information about sex (Thornburg, 1981), online communities that encourage debate and discussion among a much greater pool of minds may create groups of "cyberpeers" that are better informed.

In addition, Meyer (1995) argues that many sources of valuable sexual information and support thrive on the Internet which can help young people and adults to develop healthier attitudes towards their own sexuality and which could ultimately have the effect of creating a societal attitude towards sexuality that involves less shame, misogynism, aggression, and repression. She contends that a "lack of information about sex and sexuality, along with societal norms that treat it as unmentionable, private, and to-be-hidden, contribute to societal problems from teen pregnancy to incest and sexual abuse" (p. 1974).

In fact, Meyer (1995) proposes that open, uninhibited, and explicit discussions of sexual issues online may even "break pornography's monopoly" (p. 2006) on representations of pleasurable sex. Because very little honest conversation about sex takes place in American households and culture (Tiefer, 1995), commercial pornography, with its myth of sexual pleasure told primarily from the point of view of men (see e.g., Williams, 1989), has been the only way for people (particularly men) to look explicitly at sex and compare their bodies and performance. Thus, Meyer argues, in a society that teaches that "real manhood depends on phallic performance," commercial pornography's "world of gigantic penises and unflagging erections and aggressively sexual, always available, unblemished and balloon-breasted super models" (p. 2004) provides a comparison that may make men (and women) feel inadequate while at the same time challenging them to prove their sexual prowess and masculinity.

Nevertheless, predominantly white, male, single, young (20s to 30s), middle-to-upper class, educated (some college or higher), liberal, and bi-coastal (most resided on either East or West coast of U. S.) users seem to to dominate many sex-related newsgroups (see e.g., "alt.sex") (Tamosaitis, 1995). In fact, some women have reported feeling alienated and intimidated by the behavior of men in these discussions. Tamosaitis provides one account of a woman who posted on "alt.sex" a response about penis size, and then was flooded with e-mail solicitations for sex from men:

> *It was intimidating...I didn't say I was looking for a man. I was just posting a response to a man who was worried he was too small. I was trying to make him realize that size was not as important as he believed. Next thing you know, I'm being endlessly propositioned by e-mail. I don't think I'll post again* (p. 71).

Thus, many men, rather than overcoming "manhood through phallic performance," may actually use these newsgroups to behave according to the same sexist male myths about sexuality that Meyer suggested were problematic in commercial pornography.

On the other hand, we don't know from this anecdote whether the rest of the men and women in the group continued any further discussion on penis size in the posts, or whether in general women's posts (or those purported to be from women--gender-bending does occur) meet with less serious discussion and more harassment than do men's. Moreover, a predominance of men does not inherently mean that women are not integral to many sex-related discussions, even if they do get a disproportionate amount of solicitation in response to posts. Tamosaitis provides examples of women "piping up" to debunk male myths, and even exclaiming, "It always amuses me to see men discuss female orgasms like they are the ultimate authority!" (p. 71).

In short, anecdotal accounts suggest two hypotheses that need to be investigated about the potential effects of discussion in sexual newsgroups: The argument that debate, association, and exchange (Ball-Rokeach and Reardon, 1988) function in these interactions to promote accurate sexual information (Tamosaitis,

1995) and discourage sexual shame, misogynism, and aggression (Meyer, 1995); and the argument that male dominance in these groups merely promulgates male fantasies and sexist (read inaccurate) representations of sexuality and pleasure. The descriptions of various sex- related newsgroups discussed earlier suggest that the different sexual communities vary widely, and that although the latter argument probably is true on a large scale in many of the groups, enough debate from the "wealth of sophisticated people who are eager to share their knowledge" (Tamosaitis, 1995, p. 71) seeps into discussion to ultimately dispels many sexual myths and their accompanying shame.

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Continued: "First Amendment Issues and the Web: The Internet Porn Panic and Restricting Indecency in Cyberspace"

Dorothy Imrich Mullin

In sum, Senator Exon and others supporting government restriction of sexually explicit images and discussion on computer networks have pointed to the "societal decay" that such communication must foster. Most research and public concern about potential harms has focussed on visual imagery, despite evidence that suggests conversational speech about a wide variety of sexual topics is much more common online. Nevertheless, because images of violence fused with sexuality may promote rape myths or more tolerance for sexual violence (see generally Linz & Malamuth, 1993), the extent to which online pictures and stories are violent warrants investigation.

Perhaps more important, however, are investigations of effects of online pornography that take into account audience differences among those within relevant newsgroup subcultures versus those observing from outside. Lea and Spears' (1991) work on social identity in computer-mediated communication provides a useful beginning for examining the conditions under which sexual deviance or violence may be encouraged among those who strongly identify with newsgroups devoted to these interests. However, differences between posters and lurkers as well as the capacity in newsgroups for conflicting group trends need to be considered, as these factors may greatly mediate the influence of extreme positions within the group.

There is also evidence that the virtual communities (Rheingold, 1993) created by newsgroups and bulletin boards have many prosocial benefits, such as social support, information exchange, and honest communication among people of similar interests, particularly those otherwise marginalized by society. Such communities may well also provide an outlet for sexual release, which may help alleviate or prevent the repression that is commonly associated with sexual predators (Meyer, 1995), although this has yet to be examined empirically. In addition, explicit sexual expression is likely to contribute to important debate on many sexual issues and to dissemination of accurate sexual information, although probably within the limits of predominantly male participation. Research efforts should be directed at systematically addressing the potential for sex education, even (perhaps especially) for adolescent participants.

Conclusions

Panics about the corruptive influences of new media technology are not new. Every major technological innovation, from the telephone to the radio to motion pictures to television, has seen an outpouring of public and political concern about its potential for facilitating societal decay, particularly regarding influences on children (see e.g., Wartella & Reeves, 1985). Furthermore, fears about changing sexual morals or deviant sexual behavior have accompanied most of these technological outcries (see e.g., Durkin & Bryant, 1995). Therefore, recent uproar about sexually explicit images, stories, and discussion available via computer networks, what Mike Godwin of the Electronic Frontier Foundation has called "the great Internet sex panic of 1995" (Godwin, 1995), is not surprising. Nevertheless, this panic is important because its influence on government attempts at regulation and public use of computer networks pose potentially dangerous restrictions on online communication behavior.

Computer-mediated communication is not one technology but rather a number of technologies, including USENET newsgroups (available through the Internet), commercial bulletin board systems, real-time chat, and a worldwide Internet library of textual and graphic resources (available through the world wide web, ftp, gopher, and telnet searching systems). Furthermore, sexual expression online is not one form of communication, but many, including viewing or reading widely distributed pictures or stories, conversing in real-time, and participating in a social community through reading and posting lines of discussion.

Policy makers and researchers that attempt to treat the sexual content of all of these media as mere "cybersex" or "cyberporn" may ultimately encourage regulatory efforts based on inaccurate assumptions about the pervasiveness, intrusiveness, or social effects of very different content. For example, most political and public concern about sex-related materials has centered on pornographic visual imagery, despite evidence that it is only a small part of online sexual content. Unfortunately, where social science might have served to illuminate the public and Congress about online imagery, conflating findings and misrepresented data in Marty Rimm's study of download patterns of images from private "adult" BBSs (i.e., BBSs that require payment and proof of age before subscribing) and readership data for a small subset of Usenet newsgroups unfortunately has only served to cloud the debate.

Thus, I have argued that rigorous empirical research can address several assumptions about online sexual materials that have permeated public discourse and calls for limited First Amendment protection for online sexual communication. Specifically, I argued that three broad research areas emerge from concerns about "cyberporn" that reflect prominent legal and social arguments for restricting speech in other media. Using Senator Exon's language, the fear that computer networks are becoming a "red light district" reflects an empirical question about the pervasiveness and unseemliness of computer pornography; the idea that pornography is "only a few clicks away from any child with a computer" presents opportunity to examine the intrusiveness of computer pornography and its potential accessibility to children and adolescents; and finally, Exon's comment that "society is going astray" reflects a need to address the potential influence of computer content in a socially harmful versus beneficial direction.

Limited systematic research has examined the pervasiveness of different forms of online sexuality. There is evidence, albeit mostly anecdotal, that sex-related material of any kind (pictures, stories, or discussion) comprises only a small portion of the total Internet activity, and is thus less pervasive than much popular press and Congressional panic would suggest. However, it is likely that extreme forms, such as bestiality, may be more available online than in the local adult book store (certainly in discussion form such topics are readily available online). More important research on the complex nature of sexual discussion online, such as investigations of how sexual encounters are negotiated in chat rooms, how "burn in Hell" posts are treated in newsgroups, and how personal and commercial sexual stories or images are traded and critiqued, could bring attention to the richness of online communication and extend regulatory debate beyond mere outcries about offensive pictures.

Drawing on judicial precedent and legal definitions for electronic media, I have also argued that computer-mediated communication is not "intrusive" in the broadcast sense of confronting people, particularly children, unaware in their homes. In fact, online communication may be the least intrusive of all electronic media (P. Miller, 1993), especially where children are concerned (Corn-Revere, 1995b), because kids must have both skills and motivation necessary to access sexual content, and they are not likely to come across such material accidentally:

> *Put plainly, cyberspace is a voluntary destination--in reality, many destinations. You don't just get "onto the net"; you have to go someplace in particular. That means that people can choose where to go and what to see* (Dyson, 1995, p. 26).

Research in this area would probably be best suited to addressing concerns that might help parents anticipate and deal with motivated, computer-wise offspring, such as what are the developmental skills and motivations that are likely to mediate very young versus older children and adolescent Internet participation. Investigation of strategies for coping with offensive online behavior would also help parents protect their children from potential abuse. Finally, for the truly panicked parent, teacher, or politician, a number of technological parental controls, while not perfect, provide alternatives to government censorship that can

help adults continue the American tradition of altogether circumventing having to confront children on issues of sexuality.

On the final issue of the harms or benefits of online sexual materials, there is some theoretical support (Durkin & C. Bryant, 1995) for the argument that sexually deviant preferences, such as pedophilia, may be reinforced and encouraged in newsgroups in which they strongly identify, because of the potential for influence toward group norms among de-individuated persons (Lea & Spears, 1991). However, because newsgroups, unlike the real-time decision making groups of de-individuation experiments, have the capacity for simultaneous, conflicting group trends and social differences between lurkers and posters, research needs to further examine this potential for fostering potentially criminal deviant behavior.

On the other hand, whether or not newsgroups do encourage "deviant" behavior only becomes a concern inasmuch as a given sexual preference or practice is considered harmful or immoral. I have argued that, with the possible exceptions of pedophilia and sexual violence, many forms of online "deviance" (e.g., sadism and masochism) are subject to tolerance or rejection based on competing moral value judgments that are not easily reconciled.

Finally, I have argued that there are prosocial values of explicit sexual expression online. Even for deviant practices that are almost universally reviled, unrestricted communication among their advocates may provide invaluable knowledge about their rationale. Indeed, "the power to protect a child may come from understanding what makes a pedophile tick" (Tamosaitis, 1995, p. 140). In addition, sex-related newsgroups provide the potential for more mainstream sexual information exchange, development of personal relationships, and debate on many important sexual issues. Research efforts should be directed at systematically addressing the potential for accurate sex education online, for adults, adolescents, and possibly even children.

In sum, the panic in public and political spheres about online sex appears largely unwarranted. Regarding Senator Exon's specific concerns, online pornographic images and discussion do not appear to be particularly pervasive, are certainly not intrusive (as they must be actively sought by both adult and child audiences), and may be harmful in some ways but beneficial in others. Given these arguments, government censorship of sexual materials on the Internet or other computer networks cannot be adequately justified. Nevertheless, some important dimensions of each of the three above concerns warrant further research attention that might help alleviate fears and help parents and politicians better address concerns about online sexuality.

I should note that government restrictions on sexual communication on the Internet may not inherently limit all of the forms of sex online that I have discussed, such as educational or controversial talk about sex. Explicit talk without a visual image, for example, is not likely to meet current legal definitions of obscenity (according to at least one district attorney [see Elmer-Dewitt, 1994], words alone have virtually no chance of being successfully prosecuted). On the other hand, if, as the Exon amendment proposes, "indecent" material is prohibited, any sexually explicit language in a discussion group, educational or not, may have criminal ramifications, given the legal standards for indecent language that have been used in the broadcast medium (see e.g., *Pacifica*, *Action for Children's Television III*).

Therefore, with such ramifications on the line, it is crucial that we take seriously the concerns outlined in this paper, but also that we approach them with sound empirical research and legal reasoning over sensationalism. As Hoffman & Novak (1995) put it, "the critically important national debate over First Amendment rights and restrictions on the Internet and other emerging media require facts and informed opinion, not hysteria" (online).

Notes

1. According to *Miller*, states could deem "obscene" works which "the average person, applying contemporary community standards" would find "taken as a whole, appeal to the prurient interest in sex, which portray sexual conduct in a patently offensive way, and which taken as a whole, do not have serious literary, artistic, political, or scientific value" (*Miller*, 413 U. S. at 24 - 25, 1973).
2. Following the language of the Supreme Court in *FCC v. Pacifica Foundation* (1978), the FCC currently defines "indecency," at least for broadcasting, as all "language or material that, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards for the broadcast medium, sexual or excretory activities or organs" (1993 Enforcement Rules).
3. In the Thomas case, federal statutes prohibiting the transmission of obscenity across state lines were applied to the couple's commercial transmissions over the Internet. Such prosecution of even obscene materials on-line has been legally challenged, as the "community standards" requirement of *Miller* becomes problematic when applied to computer networks (the Thomases uploaded material in California, but were charged based on downloads in Tennessee). See Sergent (1994) for a discussion of this problem.
4. I should note that, although his position on online pornography has not changed, Senator Grassley has since distanced himself somewhat from the actual Rimm study (Marty Rimm was removed from the list of witnesses scheduled to testify before Congress on this issue; see Lewis, 1995d).
5. Corn-Revere (1995b) points out that since *Sable*, lower courts have upheld FCC rules that require customers to request dial-a-porn services in writing before a common carrier may provide access, in order to limit children's access (*Information Providers' Coalition for Defense of the First Amendment v. FCC*, 1991).
6. In an attempt to help teachers deal with online profanity in the classroom, one Internet server recently posted on the web an example of how certain "cyber-terrorists" might be effectively handled (Rogers, 1995). In one instance, offensive e-mail had been sent "anonymously" to children in a classroom Internet project who had sought online responses to their questions. Through some interesting network backtracking, the server was able to track down the university student whose "prank" had upset the children, report the terrorist's behavior to his own server, and was able, in addition to teaching the prankster a lesson in "netiquette," to extract a detailed apology that was sent to all of the children in the class.
7. The prohibitions in the Exon amendment itself are not limited to photographic representations. Content in personal stories, newsgroup posts, and interactive conversations would be actionable if considered "obscene, lewd, lascivious, or indecent."
8. Not only issues about sexuality have raised such controversy. Gun-oriented and militia newsgroups, for example, have also come under fire for posting, among other things, information about how to make bombs (see Gleick, 1995).
9. Some authors and journalists (e.g., Rheingold, 1993; Webb, 1995) argue that public concern about cyberporn focusses attention away from the vast majority of Internet traffic that does not concern deviant sexual practices (or, for that matter, satanism, white-separatism, and other anti-social fascinations). For example, although one newsgroup does, as many people fear, contain explicit images and discussion of bestiality, there are dozens more animal-related newsgroups where one can find information on less prurient topics such as dog behavior ("rec.pets.dogs.behavior), aquarium health ("rec.aquaria"), and the eating habits of cats ("rec.pets.cats"). The Internet is also rife with resources geared towards self-improvement (e.g., dieting, speed reading), recovery (e.g., from alcohol or drug addiction), and just making friends (e.g., a romantic guide for "cyber-nerds" or companionship and independence for senior citizens). Researchers are just beginning to address the use and effectiveness of newsgroup participation in these prosocial areas (e.g., Baym, 1995; Czaja,

Guerrier, Nair, & Landauer, 1993; James, Wotring, & Forrest, 1995; Ogan, 1993).

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